

18973. Misbranding of Harding's 444. U. S. v. 22 Bottles of Harding's 444. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27017. I. S. No. 36839. S. No. 5224.)

Examination of the drug product Harding's 444 from the shipment herein described showed that bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess; also that it contained less alcohol than declared on the label. The label further represented that the article would not derange the stomach nor cause bumps to appear on the face, whereas it contained drugs which might produce such results.

On or about October 5, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of the said Harding's 444, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Harding Drug Co., Jackson, Miss., on or about August 6, 1931, and had been transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (5.5 grams per 100 milliliters), mercuric chloride (0.07 gram per 100 milliliters), extract of a laxative plant drug such as cascara sagrada, alcohol (4.6 per cent by volume), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the labeling, "15% Alcohol" and "Does not derange the stomach, nor cause bumps to appear on the face," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Harding's 444 For the Blood and Rheumatism This * * * will relieve chronic cases of diseased blood in all stages. * * * passes the impurities off—via Nature's way. Relieves Old Sores and Aching Joints 444 Relieves Rheumatism in all forms of this dreadful disease;" (carton) "Harding's 444 For the Blood and Rheumatism * * * This Preparation is intended to relieve Muscular Rheumatism, Stiff Joints * * * General Sluggish Condition of the System, caused from Thick, Impure Blood. Relieves Old Sores and Aching Joints 444 Relieves Enlarged Glands by absorption, passing the impurities off via Nature's way."

On November 4, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18974. Adulteration and misbranding of Vilane powder. U. S. v. 36 Packages of Vilane Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26810. I. S. No. 29231. S. No. 4929.)

Examination of samples of a drug product, known as Vilane powder, showed that the carton and package labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. Examination further showed that the article was represented to be a disinfectant, whereas it was not a disinfectant when used according to the directions contained in the circular.

On July 28, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 packages of the said Vilane powder at New York, N. Y., consigned by the Blackburn Products Co., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, in part on or about May 22, 1931, and in part on or about June 5, 1931, and had been transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powder consisted essentially of borax, sodium chloride, sodium bicarbonate, and small